



State of Arizona Acupuncture Board of Examiners

1400 West Washington, Suite 230, Phoenix, Arizona 85007

(602) 364-0145 FAX (602) 542-3093

REGULAR MEETING

March 23, 2011

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, March 23, 2011, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Toni Bernalley, L.Ac., Chairperson

Rebecca Wilks, MD, Professional Member, Secretary

Ross Adelman, Consumer Member (via telephone)

Maureen Bronson, Consumer Member

Woohyung Cho, L.Ac., Professional Member

Dianne Darcy, L.Ac., Professional Member (via telephone)

Robert L. Gear, NMD, DC, Professional Member

John M. Rhodes, L.Ac., Professional Member

Board Members Absent:

Board Appointment Vacancy—Consumer Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Monty Lee, Assistant Attorney General

Call to Order

Chairperson Bennalley called the meeting to order at 1:04 p.m.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Darcy declared a conflict of interest on Agenda Item 4 (A), International College of Classical Chinese Medicine

Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the minutes for the January 26, 2011 regular board meeting with Board Member Wilks providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
								Absent

Board Member Wilks moved the adoption of the minutes for the February 23, 2011 regular board meeting with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
								Absent

General Agency Operations

Changes to Acupuncture Board staffing levels

The Board reviewed the memorandum outlining the Executive Director’s retirement and the plan for the Executive Director to begin working 19.5 hours per week for

the remainder of this calendar year. In the interim, the Executive Director is proposing the use of services provided by the State Board's office and temporary services as needed.

Board Member Wilks moved for the approval of Executive Director Pedro Gonzalez to serve as Executive Director effective April 4, 2011 for 19.5 hours per week at a salary of \$40,000 with Board Member Bronson providing a second. The motion carried by unanimous vote: 8-0.

Board Member Gear proposed the Board consider reviewing the E-1 (Executive Director) salary schedule with the focus on the maximum compensation and dividing in half for the Executive Director's compensation.

The Board asked the Executive Director to prepare a memorandum and action item for Board consideration at the April 27, 2011 board meeting, to review a possible increase in salary for the Executive Director effective July 1, 2011.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
X	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
								Absent

Administrative Inquiry

International College of Classical Chinese Medicine

The Board asked Mr. Peter Chow, L.Ac. President of the International College of Classical Chinese Medicine (ICCCM) to respond to the questions found in the letter sent to Mr. Chow regarding the operations of the ICCCM. Mr. Chow began by introducing Pauline Chow, L.Ac. who is the Vice President of ICCCM.

Board Member Rhodes asked Mr. Chow to explain the ICCCM's offering of a Master's and Doctorate of Auricular Medicine programs. Mr. Chow stated ICCCM is only a continuing education provider and the Master's and Doctorate of Auricular Medicine programs are no longer offered. Furthermore, Mr. Chow stated another person provided these programs in the past, but the ICCCM is no longer involved with this person in offering the courses. According to Mr. Chow, the ICCCM is only the location where the Master's and Doctorate of Auricular Medicine courses are offered by others.

Board Member Wilks asked if the ICCCM is only a continuing education provider. Mr. Chow affirmed the ICCCM is a continuing education provider and the courses are approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), the State of California Acupuncture Board and the Arizona Chiropractic Board of Examiners.

Chairman Bernalley asked why the ICCCM flyer, which advertises the courses, states the Master’s and Doctorate Auricular Medicine courses are provided by the ICCCM. The Board suggested the ICCCM change the language found in future advertisements so the public is not led to believe the courses are taught by the ICCCM and its staff.

Board Member Adelman expressed his concern that a person may think they are able to gain a Master’s or Doctorate in Auricular Medicine based on the ICCCM’s advertisement.

Board Member Rhodes described the ICCCM as a “middle man” in providing continuing education coursework but is not a college so some effort must be made to clarify this situation for the general public. Mr. Chow agreed the ICCCM is not accredited, so no academic degrees are awarded.

Board Member Gear also asked Mr. Chow to change the language found in the ICCCM’s advertisements on what courses are being offered. In addition, Board Member Gear inquired on why the ICCCM has not applied with the Arizona State Board for Private Postsecondary Education. Mr. Chow stated the ICCCM and its programs are so unique and do not fit under any particular board so the process has been delayed. As a result, Mr. Chow believes that a new profession will be developed in the future.

Assistant Attorney General Monty Lee reminded the Board that any issues regarding the oversight of the ICCCM do not lie with the Acupuncture Board, but with the Arizona State Board for Private Postsecondary Education. Mr. Lee advised Mr. Chow to have his legal counsel to review all the promotional materials presented by the ICCCM are in proper form so the general public clearly understands the services and operations of the ICCCM.

Board Member Adelman left the meeting at 1:38 p.m.

Board Member Wilks moved that the issue be forwarded to the Arizona State Board for Private Postsecondary Education for their review with Board Member Rhodes providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Artemio Solorio-Rangel (Unlicensed to Practice)

The Executive Director informed the Board of a phone call to the office regarding this individual practicing acupuncture without a state license. Certified letters have been sent to the last know mailing addresses for Mr. Solorio-Rangel, but the letters were returned with no forwarding address available.

Board Member Wilks moved that the name of Artemio Solorio-Rangel be placed on the Imposter Alert section of the board website with Board Member Bronson providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Consideration of Request for Approval of Acupuncture Program

Canadian College of Acupuncture and Oriental Medicine, Victoria, British Columbia

The Board reviewed the program application for the Canadian College of Acupuncture and Oriental Medicine and Board Member Bronson moved for the approval of the application with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Applications for Licensure (without self disclosures)

The Board reviewed the license applicant chart and Board Member Bronson moved for the approval of the applicants for licensure listed below with Board Member Wilks providing a second. The motion carried by unanimous vote: 7-0.

Allison L. Howard
 A. DeEte Doyle
 Marcy B. Newman
 Alireza Mansoorirad
 Casey Carter
 Isabella H. Klein

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Applications for Auricular Certificate (without self-disclosures)

The Board reviewed the certificate applicant chart and Board Member Wilks moved for the approval of the applicants for licensure listed below with Board Member Bronson providing a second. The motion carried by unanimous vote: 7-0.

Linda J. Ratliff
 Zandra A. Alford
 Lori L. Boston

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Applications for Auricular Certificate (with self-disclosures)

The Board reviewed the certificate applicant chart and Board Member Bronson moved for the approval of the applicant for certification listed below with Board Member Bennalley providing a second. The motion carried by unanimous vote: 7-0.

Rafael Vega

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Other Applications/Requests – Continuing Education

The Board reviewed the continuing education application for the course “Medical Ethics for Acupuncturists, Safety in Practice of Acupuncture” offered by Douglas H. Johnson, L.Ac. on May 1, 2011 in Tucson for 4 hours.

Board Member Wilks moved for the approval of the continuing education application with Board Member Darcy providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 498

Expired Licenses: 3

Active Certified Auricular Acupuncturists: 57

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for April 2011 and May 2011 licensees were prepared and sent. In addition, expired license and certificate letters for the months of January and February were sent.
- Completed and submitted to the Secretary of State’s office, the Notice of Agency Ombudsman as required by A.R.S. §41-1006. The Board must annually report by February of each year the name of the ombudsman to be published in the state register. This requirement was previously required of agencies with over 100 employees, but the requirement now applies to all agencies, boards, and commissions.
- Completed and submitted the Lobbyist Quarterly Expenditure Report and the Principal/Public Body Annual Report of Lobbying Expenditures. This information is maintained by the Secretary of State’s Office.
- Completed and submitted the Equal Employment Opportunity Report as required by the Governor’s Office of Equal Opportunity.
- Participated and completed the Employee Time Entry (ETE) pilot program training. This program moves state agencies to online reporting of time sheets and payroll.
- Attended the Executive Directors meeting on March 8, 2011.

- Completed the Think Pink Online Travel Reduction Survey, as required by law, for state employees working in Maricopa County.

State Budget

- The Governor has recommended for the current fiscal year to transfer \$13,800 from the Acupuncture Fund to the general fund. In addition, \$10,100 will be transferred to the general fund in fiscal year 2012 which begins July 1, 2011.
- The Legislature has proposed an additional \$600 million in cuts to the budget recommended by the Governor.

Office Budget Projections

- The Board's budget was reviewed.

Legislation

- House Bill 2102, license eligibility; authorized presence
- Senate Bill 1458, professional licensure; out-of-state applicants

Discussion on the topic of Dry Needling

Board Member Wilks asked for a legal interpretation of the Board's role in the area of dry needling. Assistant Attorney General Monty Lee has reviewed the statutes for physical therapists, but more work is needed before he can advise the Board on how to proceed. He suggested the Board meet with the Arizona Board of Physical Therapy to better understand their stance on dry needling.

The Board reviewed the Intramuscular Manual Therapy (Dry Needling) Resource Paper as prepared by the Federation of State Boards of Physical Therapy. In addition, the Board reviewed the Position Paper on Dry Needling prepared by the Council of Colleges of Acupuncture and Oriental Medicine.

The Board directed the Executive Director to arrange a meeting with the Arizona Board of Physical Therapy to begin the discussion. Chairman Bernalley and Assistant Attorney General Monty Lee were asked to attend this meeting.

The Board will discuss this topic at the April 27, 2011 board meeting in Tucson and ask for additional comments from the public.

Future Meeting Dates

April 27, 2011 (Tucson)
June 22, 2011

Call to the Public

No requests were made to address the Board.

Discussion of Items to be place on a future meeting agenda

- Dry Needling
- Executive Director Salary Adjustment
- Study project by the University of Arizona (Project Reach)

Adjournment

The Board expressed their thanks to Board Member Rhodes for his service as he has completed his term.

Board Member Bronson moved for adjournment and Board Member Rhodes provided a second. The motion carried by unanimous vote: 7-0. The Board adjourned at 2:50 p.m.

Adelman	Bennalley	Bronson	Cho	Darcy	Gear	Rhodes	Wilks	Vote
	X	X	X	X	X	X	X	Aye
								Nay
								Recused
								Abstained
X								Absent

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: April 27, 2011